

PATENT APPLICATION

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q67008

TAKENOUCHI, KAZUYA, et al.

Appln. No.: 10/035,211

Group Art Unit: 1616

Confirmation No.: 4554

Examiner: Sabiha Naim Oazi

Filed: January 4, 2002

For: V

VITAMIN D3 DERIVATIVE AND TREATING AGENT FOR INFLAMMATORY

RESPIRATORY DISEASE USING SAME

## INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §§ 1.97 and 1.98

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicants hereby notify the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

One copy of each of the listed documents is submitted herewith, along with a copy of the corresponding Communication from a Foreign Patent Office.

07/24/2003 FTECKL 00000001 134880 10035211

01 FC:1805

260. (The present Information Disclosure Statement is being filed after either a Final Office Action, Notice of Allowance, or an action that otherwise closes prosecution in the application (whichever is earlier), but before payment of the Issue Fee, and therefore Applicant is submitting herewith a check for the fee of \$180.00 under 37 C.F.R. § 1.17(p), and a Statement Under

INFORMATION DISCLOSURE STATEMENT

U.S. Appln. No.: 10/035,211

Attorney Docket No.: Q67008

37 C.F.R. § 1.97(e). The USPTO is directed and authorized to charge all required fees, except

for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit

any overpayments to said Deposit Account. A duplicate copy of this paper is attached.

The submission of the listed documents is not intended as an admission that any such

document constitutes prior art against the claims of the present application. Applicants do not

waive any right to take any action that would be appropriate to antedate or otherwise remove any

listed document as a competent reference against the claims of the present application.

Respectfully submitted,

Registration No. 40,641

SUGHRUE MION, PLLC

Telephone: (202) 293-7060

Facsimile: (202) 293-7860

WASHINGTON OFFICE

PATENT TRADEMARK OFFICE

Date: May 9, 2003

2

# MAY 0 9 2003

#### PATENT APPLICATION

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q67008

TAKENOUCHI, KAZUYA, et al.

Appln. No.: 10/035,211

Group Art Unit: 1616

Confirmation No.: 4554

Examiner: Sabiha Naim Oazi

Filed: January 4, 2002

For:

VITAMIN D3 DERIVATIVE AND TREATING AGENT FOR INFLAMMATORY

RESPIRATORY DISEASE USING SAME

#### STATEMENT UNDER 37 C.F.R. § 1.97(e)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

The undersigned hereby states, upon information and belief:

That each item of information contained in the Information Disclosure Statement filed concurrently herewith was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of said Information Disclosure Statement.

Respectfully submitted,

SUGHRUE MION, PLLC

Telephone: (202) 293-7060 Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

PATENT TRADEMARK OFFICE

Date: May 9, 2003